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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,051

04/24/2006

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EXAMINER

SHEARER, DANIEL R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,051	Applicant(s) LECOUTRE ET AL.	
	Examiner DANIEL R. SHEARER	Art Unit 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/24/2006; 11/3/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the V-groove in line 2 of claim 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 4137

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites "the side walls forming a set of two opposite longitudinal grooves", it is unclear whether this is a new set of longitudinal grooves or the same set of longitudinal grooves as claimed in the parent claim 1. For the purposes of examination, examiner interprets the longitudinal grooves of claim 11 as the same longitudinal grooves of claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Pub. No. 2003/0102241 to Aylesworth et al. (Aylesworth).

Aylesworth teaches:

In Reference to Claim 1

A fluid dispenser assembly (all of Fig. 1) comprising: a fluid dispenser (10); and a pack (14) for co-operating with the dispenser in such a manner as to fasten the pack to the dispenser (Fig. 1), the pack including a fastener zone (31), and the dispenser including reception means (22) for receiving the fastener zone, the assembly being characterized in that the reception means comprise at least

Art Unit: 4137

one set of two opposite longitudinal grooves (20) for receiving the fastener zone of the pack (Fig. 4, two grooves on opposite sides of dispenser container 10).

In Reference to Claim 2

A dispenser assembly according to claim 1 (see rejection of claim 1 above), in which the reception means and the fastener zone extend in a fastener plane (vertical plane defined by sheet 14).

In Reference to Claim 3

A dispenser assembly according to claim 2 (see rejection of claim 1 above), in which the dispenser presents a longitudinal axis (axis defined by center of tube 10) that extends in said fastener plane (Fig. 4).

In Reference to Claim 4

A dispenser assembly according to claim 2 (see rejection of claim 2 above), in which the dispenser (10) presents a generally cylindrical shape (Fig. 4) defining a longitudinal axis of symmetry (axis defined by center of tube 10) that extends in said fastener plane (Fig. 4).

In Reference to Claim 8

A dispenser assembly according to claim 1 (see rejection of claim 8 above), in which the pack (display card, 14) is plane and thin (Fig. 1), and is advantageously made from a plane sheet (Fig. 1).

In Reference to Claim 10

Art Unit: 4137

A dispenser assembly according to claim 1 (see rejection of claim 1 above), in which the dispenser includes a removable protective cap (12), the reception means (22) being formed by said cap (Fig. 1).

6. Claims 1, 5-9, 11-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,474,212 to Ichikawa et al. (Ichikawa).

Ichikawa teaches:

In Reference to Claim 1

A fluid dispenser assembly (1) comprising: a fluid dispenser (5, 6 and 9); and a pack (11) for co-operating with the dispenser in such a manner as to fasten the pack to the dispenser (Fig. 1), the pack including a fastener zone (10), and the dispenser including reception means (5) for receiving the fastener zone, the assembly being characterized in that the reception means comprise at least one set of two opposite longitudinal grooves for receiving the fastener zone of the pack (Fig. 2).

In Reference to Claim 5

A dispenser assembly according to claim 1 (see rejection of claim 1 above), in which the pack (7) includes a housing that is plane, at least in part (Fig. 2), defining substantially plane edges (13a) forming the fastener zone.

In Reference to Claim 6

A dispenser assembly according to claim 5 (see rejection of claim 5 above), in which the fastener zone comprises two facing zone portions (opposing

Art Unit: 4137

edges of 10), defining between them a housing gap (center cutout of 10) for co-operating with the reception means of the dispenser (Fig. 3).

In Reference to Claim 7

A dispenser assembly according to claim 1 (see rejection of claim 1 above), in which the pack forms a closed housing (internal volume of 11) that is in the form of a cut-out within the pack, the dispenser being completely surrounded by the pack (Col. 3, ll. 42-46).

In Reference to Claim 9

A dispenser assembly according to claim 1 (see rejection of claim 9 above), in which the dispenser includes a reservoir (5 and 6) forming a body, the reception means being formed by said body (Fig. 2).

In Reference to Claim 11

A dispenser assembly according to claim 1 (see rejection of claim 1 above), in which the dispenser includes a reservoir (5, 6 and 7) having side walls (sides of 5), a bottom (bottom of 7), and an opening (3), the side walls forming a set of two opposite longitudinal grooves (5b) that extend over at least a fraction of the height of the walls (vertical distance as shown in Fig. 3) between the bottom and the opening.

In Reference to Claim 12

A dispenser assembly according to claim 1 (see rejection of claim 1 above), in which each groove comprises two substantially opposite longitudinal

walls (opposing edges of 10) that are interconnected by a bottom core (6a), said walls extending substantially in the fastener plane (Fig. 3).

In Reference to Claim 13

A dispenser assembly according to claim 1 (see rejection of claim 13 above), in which each groove comprises a longitudinal access wall that extends substantially perpendicularly to the fastener plane (vertical faces of 5).

In Reference to Claim 15

A dispenser assembly according to claim 1 (see rejection of claim 1 above), in which the pack is engaged into the grooves (Fig. 3) of the dispenser by sliding (Inherently capable of fixing together by sliding).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa.

Ichikawa teaches:

A dispenser assembly according to claim 1 (see rejection of claim 1 above) in which each groove is in the form of a U-groove defining a longitudinal fastener wall (5b) that extends substantially in the fastener

Art Unit: 4137

plane (Fig. 3), and an access wall that extends substantially perpendicularly to the fastener plane (vertical faces of 5).

Ichikawa fails to teach:

The grooves are in the form of a V-groove

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have manufactured the dispenser of Ichikawa with grooves in a V shape as a matter of obvious design choice.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SHEARER whose telephone number is (571)270-7416. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Bomberg can be reached on (571)272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. R. S./
Examiner, Art Unit 4137

/Kenneth Bomberg/
Supervisory Patent Examiner, Art Unit 4137